

Exhibit B

Declaration of Brent J. Newton

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8 THE UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON AT SEATTLE

10 N.C., individually and on behalf of A.C., a
11 minor,

12 Plaintiff,

13 vs.

14 PREMERA BLUE CROSS,

15 Defendants.
16

Case No. 2:21-cv-01257 - JHC

**DECLARATION OF BRENT J.
NEWTON FOR ATTORNEY FEES
AND COSTS**

17 **DECLARATION OF BRENT J. NEWTON**

- 18 1. I am an attorney over the age of 18 years, a member in good standing of the Utah
19 State Bar, am competent to provide this testimony, and I have personal knowledge of
20 the matter of which I declare.
21 2. I received my J.D. in 1994 from the S.J. Quinney School of Law at the University of
22 Utah. I have practiced law continuously in the State of Utah since 1994.
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3. I have worked with Brian S. King since August 2018.
4. Prior to working for Brian S. King, I worked in private practice for seven years and then for the Office of Guardian ad Litem for over 16 years. During that time I appeared in court and alternative dispute resolution settlement proceedings, and represented clients in all phases of litigation.
5. While employed with Brian S. King I have represented ERISA claimants before the district court in jurisdictions throughout the country and have argued before the Tenth Circuit Court of appeals.
6. I am admitted to practice before the state and federal courts in Utah and have been admitted pro hac vice in other states.
7. My current practice consists predominantly of representing ERISA plaintiffs in their denied health, long-term disability, and life insurance claims.
8. My rate for these ERISA cases is \$350.00 per hour.
9. I track the time for cases on which I work, including contingent fee cases.
10. A copy of the ledger for work I performed in this matter follows at the conclusion of this declaration.
11. As indicated in the ledger provided with the Motion for Attorney Fees, I worked 86.9 hours on this matter.
12. The total hours for my work in this matter multiplied by the hourly rate I identified in this Declaration are \$30,415.
13. I believe the time I put into the case was necessary to obtain the results we realized in the case and was reasonable and appropriate under the circumstances of this case.

DATED this 15th day of May, 2023.

s/Brent J. Newton

Brent J. Newton¹

Brent J. Newton Ledger

Date	Activity Details	Time	Rate	Amount
8/20/2021	Review of roadmap from record produced by defendants	0.5	\$350.00	\$175
9/15/2021	ECF Emails	0.1	\$350.00	\$35
9/29/2021	ECF Emails	0.1	\$350.00	\$35
10/25/2021	Discovery review	0.3	\$350.00	\$105
10/27/2021	ECF emails	0.1	\$350.00	\$35
11/24/2021	ECF emails	0.1	\$350.00	\$35
11/29/2021	ECF emails	0.1	\$350.00	\$35
12/3/2021	ECF mail -- filed motion to dismiss	0.3	\$350.00	\$105
12/7/2021	Interoffice email regarding assignment of case and local practice	0.1	\$350.00	\$35
12/13/2021	Attorney conference, case status, assigned briefing, email exchange	0.1	\$350.00	\$35
12/15/2021	ECF mail -- filed motion to dismiss	0.1	\$350.00	\$35
12/16/2021	Email with local counsel	0.1	\$350.00	\$35
12/29/2021	Review of Joint Status report, email exchange, initial draft o opposition on motion to dismiss	5.2	\$350.00	\$1,820
12/30/2021	Draft of opposition, email exchange with counsel	7	\$350.00	\$2,450
12/31/2021	Review of local counsel draft and additional edits on MTD oppo.	1	\$350.00	\$350

¹ An original signed Declaration shall be retained in the firm's case file.

1	1/3/2022	Final edits on opposition memo and coordination with local counsel. Additional legal research	4.6	\$350.00	\$1,610
2	2/23/2022	Discovery review and email	0.1	\$350.00	\$35
3	3/3/2022	Email on supplement briefing, attorney consultation, research on other guidelines and access	3.5	\$350.00	\$1,225
4	3/6/2022	Final edits on supplemental briefing, legal research, review of guidelines	6	\$350.00	\$2,100
5	4/14/2022	Review of the missing documents from produced prelitigation record and emails with staff	0.2	\$350.00	\$70
6	7/1/2022	Record review and initial factual draft, comparison with complaint.	4.6	\$350.00	\$1,610
7	7/3/2022	Draft of MSJ opposition, emails and attorney consultations	7	\$350.00	\$2,450
8	7/5/2022	Continue Drafting MSJ -- legal research,	8.2	\$350.00	\$2,870
9	7/6/2022	Review of Record for Medical Incident summary 9th circuit legal research Continue MSJ drafting and editing.	4.7	\$350.00	\$1,645
10	7/7/2022	Final edits MSJ, attorney consultation.	7.2	\$350.00	\$2,520
11	7/14/2022	Review of Opposing MSJ and deadlines.	0.4	\$350.00	\$140
12	7/15/2022	Email request to extend deadline because of Utah state holiday.	0.1	\$350.00	\$35
13	7/18/2022	Review of motion to seal and emails, finalized motion to extend deadline and filed.	0.3	\$350.00	\$105
14	7/25/2022	Email on further extension	0.1	\$350.00	\$35
15	7/26/2022	Comparison of draft with Review of Defendant MSJ	1.3	\$350.00	\$455
16	7/28/2022	Outline on Opposition	3.4	\$350.00	\$1,190
17	7/29/2022	Legal research, edit, drafts of oppo to MSJ	7.5	\$350.00	\$2,625
18	7/30/2022	Drafting of opposition to MSJ, edits with local counsel	3.4	\$350.00	\$1,190
19	8/1/2022	Edits on MSJ opp.	3.6	\$350.00	\$1,260
20	8/29/2022	ECF email	0.1	\$350.00	\$35
21	10/20/2022	Initial Outline for oral argument on MSJ	0.7	\$350.00	\$245
22	10/21/2022	Update argument outline	0.5	\$350.00	\$175

11/3/2022	ECF emails	0.1	\$350.00	\$35
2/27/2023	Notice of supplemental briefing and review of order; attorney consult.	1.2	\$350.00	\$420
3/5/2023	Notice of transcript filing	0.1	\$350.00	\$35
3/6/2023	Emails to and from local counsel; draft and finalize supplemental memo	2.3	\$350.00	\$805
3/31/2023	Review of opinion and attorney consultation	0.5	\$350.00	\$175
		86.9		\$30,415.00